



# Case Information Sheet

## Situation in the Central African Republic

*The Prosecutor*

*v.*

*Jean-Pierre Bemba Gombo*

Case n° ICC-01/05-01/08




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Date of birth	4 November, 1962
Place of birth	Bokada, Equateur province, of the Democratic Republic of the Congo
Nationality	Congolese
Ethnicity	Ngwaka
Family	Married; son of Jeannot Bemba Saolana
Current situation	Detained at the Detention Centre in The Hague
Warrant of arrest	10 June, 2008 (replacing the warrant issued on 23 May, 2008)
Transfer to The Hague	3 July, 2008
Confirmation of charges hearing	12 - 15 January, 2009
Decision on the confirmation of charges	15 June, 2009
Status of proceedings	Trial start scheduled for 5 July, 2010
Charges	<p>Pre-Trial Chamber II considered that there are substantial grounds to believe that Mr Bemba is criminally responsible as a military commander for:</p> <ul style="list-style-type: none"><li>• two crimes against humanity: rape (article 7(1)(g)), murder (article 7(1)(a));</li><li>• three war crimes: rape (article 8(2)(e)(vi)), murder (article 8(2)(c)(i)) and pillaging a town or place (article 8(2)(e)(v)).</li></ul>

## Alleged crimes (non-exhaustive list)

The Chamber considers that there are substantial grounds to believe that:

- An armed conflict not of an international character took place in the Central African Republic (CAR) from 26 October, 2002 to 15 March, 2003, during which part of the national armed forces of Ange-Félix Patassé, the then President of the CAR, allied with combatants of the *Mouvement de Libération du Congo* (MLC) led by Jean-Pierre Bemba Gombo, was confronted by a rebel movement led by François Bozizé, former Chief-of-Staff of the Central African armed forces.
- In the context of this conflict, the MLC forces, led by Mr Bemba, committed crimes against the civilian population, in particular, rape, murder and pillaging.
- The attack against the civilian population in the CAR was widespread and systematic. The attack against the civilian population, in particular, in Bangui, Boy-Rabé, Point Kilomètre 12 (PK 12), Point Kilomètre 22 (PK 22) and Mongoumba, was carried out on a large scale and targeted a significant number of civilian victims.

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- Jean-Pierre Bemba was the President and Commander-in-Chief of the MLC. He effectively acted as a military commander and had effective authority and control over the MLC troops which allegedly committed the above-mentioned crimes.
  - Mr Bemba knew that MLC troops were committing crimes and did not take all necessary and reasonable measures within his power to prevent or repress their commission.

## Key judicial developments

### Referral and investigations

The Central African Republic ratified the Rome Statute on 3 October, 2001.

On 21 December, 2004, the Government of the Central African Republic referred to the Court crimes committed on the territory of the CAR after 1 July, 2002.

In June 2005, the Government of the Central African Republic provided the Prosecutor with documents concerning the crimes committed on its territory in 2002 - 2003, and the records of judicial proceedings held in Bangui in relation to these crimes.

The Prosecutor undertook a detailed analysis of the information received from the Government of the Central African Republic, and also requested and obtained additional information from various sources. After reviewing the information received, the Prosecutor found that the conditions required by the Rome Statute for launching an investigation were satisfied.

On 10 May, 2007, the Prosecutor informed the Government of the Central African Republic, Pre-Trial Chamber III and the President of the Court of his decision to open an investigation.

On 22 May, 2007, the launching of an investigation concerning the crimes alleged to have been committed in the Central African Republic was made public.

### Warrant of arrest and surrender to the Court

On 9 May, 2008, the Prosecution submitted to Pre-Trial Chamber III an application under article 58 of the Rome Statute for the issuance of a warrant for the arrest of Jean-Pierre Bemba Gombo.

On 23 May, 2008, Pre-Trial Chamber III issued a warrant of arrest under seal and a request for provisional arrest addressed to the Kingdom of Belgium.

On 24 May, Mr Bemba was arrested by the Belgian authorities, and the Pre-Trial Chamber decided to unseal the warrant of arrest.

On 10 June, 2008, Pre-Trial Chamber III rendered a decision on the Prosecutor's application of 9 May, 2008. It also issued a new warrant of arrest replacing the warrant issued on 23 May, 2008, adding to the counts against Mr Bemba the charge of murder, constituting both a war crime and a crime against humanity. At the same time, the Chamber addressed to the Kingdom of Belgium a request for Mr Bemba's arrest and surrender to the ICC.

On 3 July, 2008, Mr Bemba was transferred and surrendered to the ICC.

On 4 July, 2008, Mr Bemba appeared before Pre-Trial Chamber III for the first time.

### Confirmation of charges and committal for trial

The confirmation hearing took place from 12 to 15 January, 2009.

On 3 March, 2009, the Pre-Trial Chamber decided to adjourn the confirmation hearing in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* and requested the Prosecutor to consider submitting to it an amended document containing the charges, taking into account that the legal characterisation of the facts of the case may correspond to a mode of liability other than the individual responsibility relied on by the Prosecutor, namely criminal responsibility as a military commander or superior within the meaning of article 28 of the Rome Statute.

Following an in-depth review of the amended document containing the charges submitted by the Prosecutor, and of the observations of the Defence and the legal representatives of the victims, the Pre-Trial Chamber II considered, on 15 June, 2009, that there is sufficient evidence to establish substantial grounds to believe that Jean-Pierre Bemba Gombo is criminally responsible, for having effectively acted as a military commander within the meaning of article 28(a) of the Statute, for war crimes (murder, rape and pillaging)



and crimes against humanity (murder and rape).

Following the confirmation of the charges, 18 September, 2009, the Presidency constituted Trial Chamber III and referred the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* to it for the conduct of the subsequent phase of the proceedings: the trial scheduled for 5 July, 2010.

### **Interim release**

On 14 August, 2009, Pre-Trial Chamber II issued a decision granting interim release to Jean-Pierre Bemba. The implementation of this decision is deferred pending a determination in which State Jean-Pierre Bemba Gombo will be released and which set of conditions shall be imposed.

The same day, the Prosecutor appealed this decision. On 2 December, 2009, The Appeals Chamber reversed the decision of Pre-Trial Chamber II. The accused remains in the custody of the Court.

### **Freezing of assets and legal assistance**

On 27 May, 2008, Pre-Trial Chamber III addressed to the Portuguese Republic, a decision and request for the identification, tracing, freezing and seizure of the property and assets of Jean-Pierre Bemba.

On 25 August, 2008, the Registrar provisionally decided that Jean-Pierre Bemba is not indigent and that, accordingly, he is ineligible for legal assistance, in full or in part, paid by the Court.

On 10 October and 14 November, 2008, the Pre-Trial Chamber decided to reject the Defence application for the lifting of the seizure of Mr Bemba's property and assets. It also ordered the Registrar to monitor, in consultation with the Portuguese authorities, the distribution of € 36,260 on a monthly basis, drawn on a Portuguese bank account owned by Mr Bemba, to ensure that he meets his financial obligations to his family and his counsel.

On 20 October, 2009, Trial-Chamber III ordered the Registry to advance a monthly sum of € 30,150 (with retroactive effect starting March, 2009) to Mr Bemba to cover his financial obligations to his counsel, until there is a material change in his financial circumstances. Mr Bemba will have to repay the Court out of his own funds.

### **Participation of victims**

On 12 December, 2008, Pre-Trial Chamber III granted 54 persons the status of victims authorised to participate in the confirmation of charges proceedings. Thirty-four victims were to be represented by Marie Edith Douzima-Lawson and twenty by Paolina Massidda, Principal Counsel of the Office of Public Counsel for Victims.

On 30 June, 2010 Trial Chamber III granted participatory status to 81 other applicants.

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### **Composition of Trial Chamber III**

Judge Adrian Fulford, Presiding Judge  
Judge Elizabeth Odio Benito  
Judge Joyce Aluoch

### **Representation of the Office of the Prosecutor**

Fatou Bensouda, Deputy Prosecutor  
Petra Kneuer, Senior Trial Lawyer

### **Defence Counsel for Jean-Pierre Bemba Gombo**

Nkwebe Richard Liriss  
Aimé Kilolo-Musamba

### **Legal Representatives of the Victims**

Marie Edith Douzima-Lawson  
Paolina Massidda, Principal Counsel of the Office of Public Counsel for Victims (OPCV)

